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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/346,375	07/01/99	CLEMENT	R 2170.00019

IM52/0411

BLISS MCGLYNN PC  
2075 WEST BIG BEAVER ROAD SUITE 600  
TROY MI 48064

EXAMINER

ELVE, M

ART UNIT	PAPER NUMBER
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1725

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DATE MAILED: 04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.  
**09/346,375**

Applicant(s)  
**Clements et al.**

Examiner  
**M. Alexandra Elve**

Group Art Unit  
**1725**



☒ Responsive to communication(s) filed on Jan 12, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-48 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-48 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7 & 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Double Patenting*

1. Claims 1-10, 13-18, 21-25, 30-34, 38-41 & 45-46 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-7, 10-32 & 48 of copending Application No. 09/184,186. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-46 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by WO(I) (96/17737).

WO(I) discloses the release of bonded screens, such as, vehicle windscreens which are bonded to a support frame. Release is generated by the transmission of energy from a delivery means through the screen which degenerates the bonding material (abstract). The energy delivery means is adjacent to the screen and transmits energy through the material, that is, the screen. The

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energy transmitted through the screen permits the release of the screen from the support frame.

The use of heat or thermal means for screen separation from a supporting frame is disclosed. A heatable separating member may be provided, which is closely fitting or embedded in the adhesive bead (page 2). The energy is generally in a wave format and may be electromagnetic wave energy, such as light, or vibrational/sound energy. A preferred embodiment is the use of laser energy having a wavelength in the visible/near infra-red region of the spectrum (page 3). Energy delivery may be through the use of an ultrasonic transducer and this energy is preferably arranged to be focused or concentrated at a predetermined location. Additionally, it is preferred that tuning means is arranged to tune the frequency or intensity of the wave energy delivered by the energy delivery means (page 4). In order to use the laser delivery system to remove a windscreen from its frame, the system is comprised of a waveguide directing laser radiation from an energy source to an applicator head which is placed adjacent to the peripheral edge of the windscreen and is directed through the windscreen. The applicator head includes a beam guide and an on/off switch. Continuous wave in laser radiation is directed from the applicator head through a localized portion of the windscreen to impinge upon the bonding bead (page 5). An example of the laser delivery system parameter is as follows: wavelength 820 nm, donor 60 watts and beam section 18mm by 4mm. There are alternatives to the laser delivery system, in accordance with the invention, such as, ultrasonic energy (page 6).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO(I) (96/17737) in view of Soltz et al. (US Pat. 5,272,716).

WO(I) discloses the release of bonded screens, such as, vehicle windscreens which are bonded to a support frame. Release is generated by the transmission of energy from a delivery means through the screen which degenerates the bonding material (abstract). The energy delivery means is adjacent to the screen and transmits energy through the material, that is, the screen. The energy transmitted through the screen permits the release of the screen from the support frame. The use of heat or thermal means for screen separation from a supporting frame is disclosed. A heatable separating member may be provided, which is closely fitting or embedded in the adhesive bead (page 2). The energy is generally in a wave format and may be electromagnetic wave energy, such as light, or vibrational/sound energy. A preferred embodiment is the use of laser energy having a wavelength in the visible/near infra-red region of the spectrum (page 3). Energy delivery may be through the use of an ultrasonic transducer and this energy is preferably arranged to be focused or concentrated at a predetermined location. Additionally, it is preferred that tuning means is arranged to tune the frequency or intensity of the wave energy delivered by the energy

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delivery means (page 4). In order to use the laser delivery system to remove a windscreen from its frame, the system is comprised of a waveguide directing laser radiation from an energy source to an applicator head which is placed adjacent to the peripheral edge of the windscreen and is directed through the windscreen. The applicator head includes a beam guide and an on/off switch. Continuous wave in laser radiation is directed from the applicator head through a localized portion of the windscreen to impinge upon the bonding bead (page 5). An example of the laser delivery system parameter is as follows: wavelength 820 nm, donor 60 watts and beam section 18mm by 4mm. There are alternatives to the laser delivery system, in accordance with the invention, such as, ultrasonic energy (page 6). WO(I) does not disclose the use of control or the use of dual inputs for the actuation of the device.

Soltz et al. discloses the use of a control circuit and the use of two switches within the control circuit (see figure 7, elements 34, and 32). Referring to figure 1, a hand held laser apparatus and an external power supply including control circuitry is shown. The hand held laser apparatus contains a semiconductor laser device, a guide laser device, a pair of lens for focusing and collimating the output of the laser devices. A pair of current limiting resistors may also be introduced in the hand held laser apparatus to protect the semiconductor laser devices. Within the power supply control circuit is a power supply control circuit, a power supply switchably connected to the semiconductor devices of the hand held laser apparatus. Additionally, the power supply control circuit is comprised of a mode control circuit and a pulse width control circuit. There may also be a photo detecting element within the hand held laser apparatus, the output of

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which is relayed to the power supply control circuit which provides an output indicative of the semiconductor laser devices' output. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a control circuit as disclosed by Soltz et al. in the WO(I) device because it would enhance the devices' ability to localize the energy delivery and hence provide for more accurate and efficient separation of the screen from the supporting frame. Although automation of the device is not specifically taught, the provision of mechanical or automated means to replace manual activity was held to have been obvious, In re Venner 120 USPQ 192, additionally, making elements separable was held to have been obvious, In re Dulberg 129 USPQ 148 (CCPA 1961).

***Response to Amendment***

6. Upon carefully reviewing Applicant's arguments filed January 12, 2001 the Examiner acknowledges the amendments to claims 1, 17, 19, 20, 21, 23 & 37 and the addition of claims 45-48. The 112 second paragraph rejections and claim objections are withdrawn in view of applicant's amendments.

7. Applicant's arguments filed January 12, 2001 (paper # 10) have been fully considered but they are not persuasive.

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Applicant argues that claims 1-21 have been amended to include a thermal limitation and thus render the claims allowable over the provisional double patenting rejection under 35 USC 101. The examiner respectfully disagrees because although the wording is not exactly the same, the claims are still essentially the same. Additionally, it is well known in the art that laser means generate thermal effects although minimal.

The applicant argues that application has priority to 8/13/1996 and thus the application cannot be anticipated by WO(I). The examiner respectfully disagrees because the prior art WO(I) has an international publication date of 6/13/1996. Thus the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant of the patent.

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodgers et al. (US Pat. 5,895,589); JP(I) (abstract) (11267627).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is (703) 308-0092. The examiner can normally be reached Monday to Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn, can be reached on (703) 308-3318. The fax number for the group is (703) 872-9386.

Any inquiry of general nature to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0661.



M. Alexandra Elve  
Patent Examiner  
Technology Center 1700

April 5, 2001.